

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 23, 2016

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, February 23, 2016.

Pastor Tim Cross, Living Word Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Vice-Mayor Hood, Commissioners Dan Rinsema-Sybenga, Byron Turnquist, Ken Johnson, Debra Warren, and Willie German, Jr., City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Mayor Stephen Gawron

HONORS AND AWARDS:

A Certificate of Appreciation was presented by Public Safety Director, Chief Jeffrey A. Lewis, to Khaiyah Steward in recognition of her act of compassion and rendering of assistance to another citizen.

INTRODUCTIONS/PRESENTATIONS

A. Recently Promoted Employees

- Samantha Ferguson – Community Development Specialist
 - Planning and Community & Neighborhood Services
- Carrie Kotchka – Housing Rehab Counselor
 - Community & Neighborhood Services

Samantha Ferguson and Carrie Kotchka were introduced by Oneata Bailey and Cathy Brubaker-Clarke as employees that have had the opportunity to promote from within and both ladies were recognized.

B. Sister Cities Presentation

Joel Erndteman and Dana Wyant, area teachers acting as Sister Cities Chaperones, introduced a portion of the group of students that will be traveling to Japan later this year as part of the Sister Cities program.

2016-15 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the February 8, 2016 Work Session Meeting and the February 9, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the Minutes.

B. Tobacco Products Ordinance Amendments Public Safety

SUMMARY OF REQUEST: In order to have the City's enforcement ordinances align with other neighboring communities, our ordinance involving the use or possession of tobacco products was amended. The amended ordinance reflects a county-wide effort to standardize the enforcement as it relates to tobacco use and sales. At the same time it address the use of vapor products and the use of electronic devices, which dispense nicotine solution or other forms intended for human consumption.

As such, Section 54-242, Article VII, of the City of Muskegon ordinance is being repealed and replaced. In addition to the use of e-cigarettes and vapor products, the ordinance decriminalizes the use of tobacco and associated products; those citizens will receive a civil infraction violation. Those that illegally supply tobacco and related products will receive a misdemeanor violation as described by ordinance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt revised ordinance as presented.

(SECOND READING REQUIRED)

D. 2016 Dozer Rental for Beach Leveling Department of Public Works

SUMMARY OF REQUEST: Staff is requesting permission to enter into a rental agreement with Contractors Rental Corporation, out of Grand Rapids, Michigan, for a John Deer Cab Dozer for leveling sand at Pere Marquette Beach.

FINANCIAL IMPACT: Estimated cost for the 2016 Dozer rental is \$8,850 (which includes \$550 for delivery and pickup).

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the request.

E. Approval of Building Contract for 2324 Park Drive Community & Neighborhood Services Department

SUMMARY OF REQUEST: To award the Building Contract for the rehabilitation of 2324 Park Drive to Nassau Construction for the City of Muskegon's Homebuyers Program through Community and Neighborhood Services.

CNS received 5 bids, the cost estimate from our spec writer was \$44,300.

FINANCIAL IMPACT: The funding for this project has been secured through HOME Program Income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To award Nassau Construction the rehabilitation contract for 2324 Park Drive, in the amount of \$45,855, for the Community and Neighborhood Services office.

F. Gaming License Request from Muskegon Harbor Hospice City Clerk

SUMMARY OF REQUEST: Muskegon Harbor Hospice is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

G. 285 West Western – Amendment to Purchase Agreement

City Manager – ITEM REMOVED PER STAFF REQUEST

Motion by Commissioner Johnson, second by Commissioner German, to approve the Consent Agenda as presented with the exception of Item C.

ROLL VOTE: Ayes: Johnson, Hood, Warren, German, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

2016-16 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Local Parking Ordinance Amendments Public Safety

SUMMARY OF REQUEST: During the City's last codification, several sections of the parking ordinance were amended. In order to have the City's enforcement ordinances align with State law, some ordinances were moved to different sections of the code. Some noted sections of the ordinance were inadvertently removed during codification while rewriting the municipal code. Staff has worked with the codification personnel, as well as our City Attorney, to draft the needed changes. Also, this action is to rescind the first reading approved by City Commission on December 8, 2015 with recommended revisions.

As such, Sections 58-3, 92-33, 92-71, 92-73, and 46-204 of the City of Muskegon ordinances have been rewritten to reflect the previously adopted ordinances and updated modifications because of changes to the Uniform Traffic Code

and to include the fee schedule for parking, civil violations, boat launch permits, and local parking restrictions.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the amended ordinances and fee schedule as presented.

(SECOND READING REQUIRED)

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to adopt the amended ordinances and fee schedule as presented.

ROLL VOTE: Ayes: Hood, Warren, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission adjourned at 6:07 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk